

IN THE HIGH COURT OF TANZANIA

AT DAR ES SALAAM

MISCELLANEOUS CIVIL CAUSE NO 116 OF 2001

NGERESA S. NGERI & 24 OTHERS..... APPLICANTS

VERSUS

ULTIMATE SECURITY LIMITED..... RESPONDENT

RULINGMSUMI, JK:



The respondent company has raised a preliminary objection against the application for execution of the judgment and order of the Dar es Salaam Conciliation Board passed on 6/10/97. The point of contention in the said preliminary objection is that the application is incompetent in that the applicant is seeking to execute the decision of the Board which is not known by law. Elaboratively the respondent is contending that the Dar es Salaam Conciliation Board which passed the contentious judgment and order does not exist in law because there is no such an area known as Dar es Salaam District for which the alleged Conciliation Board could be legally formed. In terms of GN 155 of 1965 such boards are established in every district. This is what the GN provides:

There is hereby established in each district a Conciliation Board to be known as the Conciliation Board of the

appropriate district and each such Board shall exercise its functions within the district in which it is established.

On the basis of this provision respondent is arguing that since there is no such administrative area known as Dar es Salaam District, the alleged Dar es Salaam Conciliation Board is legally non existent. With respect, this argument is quite formidable. Indeed the learned counsel for the applicant has conceded to this contention. Similar argument was raised and upheld by this Court in Suchak plastics Ltd v. The Minister for Labour and Youth Development and Another Civ. Cause No.66 of 2000 (unreported).

Based on the aforementioned contention, the decision which the applicant sought to enforce is not sustainable. The preliminary objection is sustained and the application is accordingly dismissed with costs.


H.A. Msumi

JAJI KIONGOZI

24/2/2003

For the Applicants; Chamriho.

For the Respondent; Mchome.